

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

MICHAEL SEKLECKI, *on behalf of himself and his minor child M.S.,*

Plaintiff,

v.

**CENTERS FOR DISEASE
CONTROL & PREVENTION *et al.*,**

Defendants.

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Case No. 1:22-cv-10155-PBS

District Judge Patti Saris

**PLAINTIFF’S MOTION TO ADD AS DEFENDANTS PETER
SOARES, IRINA SPENCE, INNOLINE DOE, & MISTY ROE**

COMES NOW plaintiff, *pro se*, and moves pursuant to F.R.Civ.P. 21 for an order adding Peter Soares, Irina Spence, Innolene Doe,¹ and Misty Roe² as defendants. These are the first four of what I expect will be several dozen employees of Defendants American Airlines and Southwest Airlines that I will be adding as their names and roles in the conspiracy to interfere with the civil rights of the disabled are discovered. When I filed my Complaint, I included the defendant group “Numerous Yet-to-Be-Named Employees of the 2 Airlines.” This motion is the first step in filling in these names.

1. **PETER SOARES** is American’s managing director of legal affairs. He signed the purported mask-exemption letter for M.S. on Feb. 16, 2022. Doc. 74-3. Mr. Soares’ letter included multiple illegal

¹ Counsel for American Airlines declined to provide me the true real last name of this defendant, so she is listed as a “Doe” for now, which I understand is common when the actual full name of a party is not yet known. The Court will need to force American’s lawyers to disclose Innolene’s real last name, and to confirm if Innolene is her true first name. I obtained this information from her nametag, as she refused to disclose her name to me during the Feb. 22 incident at Miami airport.

² The mask-exemption denial I received from American Airlines on Nov. 10, 2021, is signed only by “Misty.” Defense counsel will have to provide her true last name and confirm if Misty is her real first name.

provisions including that my son has to present a negative COVID-19 test every time he checks in for a flight and that after March 18, 2022, we would have to give American at least seven days notice when M.S. needs to fly. Mr. Soares failed to ensure this mask exemption was entered into American's computer system, resulting in the refusal of the airline to transport my son and me Feb. 22, 2022, at Miami airport. Doc. 74. As someone trained in the law, Mr. Soares should have known what American is doing to the disabled is illegal but did nothing to stop it. Mr. Soares is charged with Count 12 "Conspiracy to interfere with civil rights" and Count 13 "Neglecting to prevent interference with civil rights."

2. **IRINA SPENCE** is a customer care manager in American's Special Assistance Coordinators Department. She supervises at least 24 special assistance coordinators, whose jobs are supposed to include ensuring American does not discriminate against any disabled passengers. As a manager responsible for protecting the rights of disabled passengers, Ms. Spence has failed miserably by allowing American to deny transportation to likely hundreds of thousands of passengers such as my son and me who have medical conditions that make it unsafe for us to cover our faces and obstruct our breathing. Ms. Spence should have ensured that American staff at Miami airport were aware of my son's mask exemption Feb. 22. As someone trained in federal disability law, Ms. Spence should have known what American is doing to the disabled is illegal but did nothing to stop it. Ms. Spence is charged with Count 12 "Conspiracy to interfere with civil rights" and Count 13 "Neglecting to prevent interference with civil rights."
3. **INNOLENE DOE** is a customer-service agent for American at Miami International Airport. She refused to check my son and me in for our flight to Manchester on Feb. 22, 2022, acted in a hostile manner, refused to even look at my son's mask-exemption letter signed by Mr. Soares, refused to call a supervisor, and refused to obey the Air Carrier Access Act's requirement to have a Complaint Resolution Officer speak to me immediately to resolve the problem. As someone trained in her

duties to accommodate disabled passengers, Ms. Doe should have known what American is doing to the disabled is illegal but did nothing to stop it. Ms. Doe is charged with Count 13 “Neglecting to prevent interference with civil rights.”

4. **MISTY ROE** is a coordinator in American’s Special Assistance Coordinators Department. It is likely that she works for Ms. Spence. Ms. Roe signed a letter denying my mask exemption Nov. 10, 2021. Doc. 31 at Ex. 17. Her e-mail included an astounding number of requirements to even consider my medical waiver, all of which violate federal law. As someone trained in federal disability law, Ms. Roe should have known what American is doing to the disabled is illegal but did nothing to stop it. Ms. Roe is charged with Count 13 “Neglecting to prevent interference with civil rights.”

“On motion or on its own, the court may at any time, on just terms, add or drop a party.” Fed.R.Civ.P.

21. Justice requires the Court begin adding the Individual Defendants to this lawsuit as without their involvement, the conspiracy to interfere with the civil rights of the disabled such as my son and myself could not occur. These individuals have a legal duty to stop American’s illegal conduct, but have not taken any actions to do so. Furthermore, “Persons ... may be joined in one action as defendants if: (A) any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and (B) any question of law or fact common to all defendants will arise in the action.” Fed.R.Civ.P. 20(a)(2). These four named defendants – and many more to come – meet both of this criteria.

“Neither a plaintiff nor a defendant need be interested in obtaining or defending against all the relief demanded. The court may grant judgment to one or more plaintiffs according to their rights, and against one or more defendants according to their liabilities.” Fed.R.Civ.P. 20(a)(3). Therefore the Individual Defendants may be charged with one or two crimes, even though my Complaint contains 33 causes of action.

When granting this motion, I ask the Court direct me regarding any next steps required such as whether I must file an amended or supplemental complaint pursuant to Fed.R.Civ.P. 15.

WHEREFORE, I request this Court issue an order granting me the following relief: "Plaintiff's Motion to Add as Defendants Peter Soares, Irina Spence, Innolene Doe, & Misty Roe is GRANTED. The Clerk is DIRECTED to add them to the list of defendants on the docket. Counsel for American Airlines is COMPELLED to disclose to plaintiff within seven days of the entry of this Order the true names of Innolene Doe and Misty Roe as well as to provide the contact information for all four American employees for service of process. Counsel for American Airlines is further COMPELLED to advise the Court within 21 days of the entry of this Order whether they will be representing these four defendants or whether they plan to retain their own counsel."

L.R. 7.1(a)(2) Consultation Statement

Stephen Pezzi told me March 1 that the Federal Defendants take no position on this motion.

Roy Goldberg told me March 1 that the Airline Defendants oppose this motion.

Respectfully submitted this 4th day of March 2022.

Michael Seklecki

Michael Seklecki, plaintiff on behalf of myself and my minor child M.S.

Apt. 101

1400 Encore Pl.

Lake Mary, FL 32746

Telephone: 321-666-4353

E-Mail: SekleckiMichael52@gmail.com

CERTIFICATE OF SERVICE

I certify that on March 4, I will e-mail the filed version of this document to these three new defendants. Service is not possible on Innolene Doe at this time because I do not have her e-mail address or any other contact information, as American's counsel has refused to provide her last name.

Peter Soares
Peter.Soares@aa.com

Irina Spence
Irina.Spence@aa.com

Misty Roe
sac@aa.com